

### **Amendments to the Drawings**

To overcome the objection to drawing Figure 1, Applicants request to amend the drawings currently pending in the Application by substituting the replacement drawing sheet enclosed herewith, containing Figures 1-2, for the drawing sheet currently pending.

Figure 1 has been amended as suggested in the Action to include the legend “Prior Art”. No new matter will be added as a result of this substitution. Permission to amend the drawings by substitution is respectfully requested.

## **REMARKS**

The indication that original claims 12 and 13 recite allowable subject matter is greatly appreciated. Claims 1, 7 and 13 have been amended. Claim 12 has been canceled without prejudice. Claims 1-11 and 13 are now pending. No new matter has been added. Reconsideration is respectfully requested. Support for the amendments is found in the original claims and specification.

Claim 1 has been amended to include the subject matter from claim 12 that was indicated to be allowable.

Claim 7 has been amended to be more clear and to include the suggestion in the Action to refer to “carbon containing material.”

## **Claim Rejections**

Claims 1-13 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 1-6 and 8-11 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Fishler, et al. (US 5,151,201).

Claim 7 was rejected under 35 U.S.C. § 103 (a) as being unpatentable over Fishler, et al. in view of Sugie, et al. (US 4,789,651).

These rejections are respectfully traversed.

## **35 U.S.C. § 112, Second Paragraph Rejections**

### **Claim 1**

Applicants respectfully submit that claim 1 is clear and definite. According to feature (a) **at least 75 weight %** of the fired refractory shaped part is characterized by **a refractory secondary material**. According to this wording (and the disclosure of page 3, last paragraph - page 4, first paragraph) the percentage of the secondary material may be up to 100%. In addition, Applicants respectfully submit that the claimed pore volume relates to the **fired** refractory shaped part according to the wording of claim 1.

Thus one of ordinary skill in the art would consider claim 1 to be clear and definite. Withdrawal of the rejection is respectfully requested. In the event, the rejection is not withdrawn, Applicants would appreciate further clarification regarding any remaining aspects of claim 1 that the Office believes are unclear.

### **Claim 7**

In order to make claim 7 even more clear, the claim has been amended to recite that **the carbon containing material was filled into the pore volume and a subsequent tempering process being performed**. Also, as suggested by the Examiner, claim 7 has been amended to refer to “carbon containing material.” Applicants respectfully submit that amended claim 7 is clear and definite. The “subsequent tempering process” is **independent** of the “firing” which relates to the fired part according to claim 1. Claim 7 relates to an embodiment according to which the open porosity of the fired product is reduced down to 4.5 to 7.5 % by volume because

of filling the open pore volume according to feature (b) of claim 1 by the said carbon containing material which subsequently undergoes a tempering process.

One of ordinary skill in the art would consider claim 7 to be clear and definite.

Withdrawal of the rejection is respectfully requested.

### **Claim 9**

Applicants respectfully submit that claim 9 is clear and definite. The recited word “chemically” is clear and defines the chemical composition. Also the recited word “minerallogically” means that the primary material may be, for example, a baddeleyite as the secondary material but the two baddeleyites may be of (slightly different) chemical composition.

Thus one of ordinary skill in the art would consider claim 9 to be clear and definite.

Withdrawal of the rejection is respectfully requested.

### **Claim 13**

Applicants respectfully submit that claim 13 is clear and definite. Claim 13 has been amended to depend from claim 1 and relates to fired refractory shaped product with a pore volume between 10 and 30%. The pore distribution according to claim 13 refers to the **fired** refractory shaped part.

Thus one of ordinary skill in the art would consider claim 13 to be clear and definite.

Withdrawal of the rejection is respectfully requested.

**35 U.S.C. § 102 (b) and 103(a) Rejections**

Applicant respectfully submits that each of these claims recite features which patentably distinguish over the prior art. However, to put this Application in condition for allowance, Applicant has amended claim 1 to include the subject matter of claim 12 that was indicated in the Action to recite allowable subject matter. Thus claim 1 should now be allowable. In addition claims 2-11 and 13 which depend from claim 1 should be allowable as well. Allowance of the application is respectfully requested. Applicants reserve the right to file Divisional or Continuation applications including the original forms of the amended claims.

**Conclusion**

Allowance of the Application is respectfully requested. The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,

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